

Planning Privacy Notice

Newark and Sherwood District Council | Castle House, Great North Road, Newark, NG24 1BY | 01636 650000 | privacy@newark-sherwooddc.gov.uk

The UK Data Privacy legislation, give individuals the right to be informed about how organisations use their personal data. This information is provided in the form of a Privacy Notice.

Newark and Sherwood District Council is registered as a Data Controller under the Data Protection Act 2018 (registration number: Z4973840).

Who we are:

Our Planning Development Business Unit consists of several multi-disciplinary teams responsible for the following service areas and functions, on behalf of the Local Authority.

Development Management:

This includes the assessment and determination of planning and planning related applications and enquiries, including requests for advice. Furthermore, the team defend planning appeals against planning decisions by the Council and provides a duty officer advice service.

Additionally, the team is responsible for tree protection, including issuing of Tree Preservation Orders (TPO) and determining applications for works to trees covered by Tree Preservation Orders and in conservation areas). Also, matters relating to biodiversity, ecology, protected species and advice on trees affected by development.

Planning Enforcement:

This includes the recording and investigating of potential breaches of planning control and where necessary, enforcing against breaches of planning control (when expedient). Furthermore, the team also defends appeals against enforcement cases and the monitoring of development.

Conservation and Heritage:

This includes dealing with requests for advice (to owners of heritage assets) and guidance on matters relating to heritage on relevant planning applications (listed buildings, conservation areas and non-designated heritage assets). The team undertakes conservation area reviews (and designation of new areas) alongside a programme of review of buildings to establish if they meet the criteria for designation as non-designated heritage assets.

Building Control:

The East Midlands Building Consultancy (EMBC) is a Local Authority Building Control partnership delivering the building control service on behalf of the Local Authority. EMBC deals with the assessment and determination of applications for Building Regulation approval and associated enquiries. It also includes the recording and investigating of things such as dangerous structures. Please refer to EMBC [website](#) for further information and privacy notice.

Should you apply to an Approved Inspector (private sector Building Control Service), the use of personal data is outside of our control and this privacy notice does not apply and suggest you seek further guidance from the relevant Approved Inspector.

Local Land Charges:

This includes dealing with requests for Local Land Charges Searches, usually carried out by a solicitor or licensed conveyancer on your behalf if you are buying or selling land or property. Please note, we

joined the digital Local Land Charges service managed by HM Land Registry (HMLR) in October 2021 and that service now provides LLC1 search responses.

Street Naming and Numbering:

This is the process of allocating street names and property numbers to new properties or property conversions (including residential, commercial or industrial premises) along with requests to change the name or number of an existing property.

The type of personal information we collect

We currently collect and process information including but not limited to:

- Name, address, signatures
- Contact details (email, telephone numbers, address)
- Visual images (including drone / videos / photos)
- Organisational details
- Financial information (planning payment fees)
- Business plans
- Viability assessments
- Health data including conditions and disabilities
- Occupancy/ownership information

How we get the personal information and why we have it

Most of the personal information we process is provided to us directly by you. We collect your information when you contact us, access our services, or make a formal application to any of our services. Information will either have been provided by the individual making the application or accessing our services or via a third party acting on their behalf, for example:

- Planning Agents
- Builders
- Tree surgeons
- Conveyancing solicitors
- Personal Search Companies
- Members of the public (e.g.: neighbours responding to notifications)
- Other business units in the Council

We may also receive your information via the following digital services or platforms:

- **The Planning Portal:**
Provide a national transaction service for people making planning related applications to all Local Planning Authorities in England and Wales
- **National Land Information Service (NLIS):**
Government approved and regulated land and property searches portal and is a national platform which allows users to make electronic Land Charges searches to all local authorities in England and Wales
- **Newark and Sherwood District Council's online planning registers:**
Our online planning application register provides access for customers to view planning applications currently being considered and those where the Local Authority has issued a decision. Furthermore, a register of planning appeals and enforcement notices are provided.

How we use the information

We use the information that you have given us to:

- provide you with the information or service you have requested
- deal with and determine an application for the service you have requested
- undertake a statutory function such as determining applications for planning permission and planning related approvals, providing street naming and numbering schemes and Local Land Charges searches
- planning decision and enforcement notice appeals
- issuing planning enforcement notices
- monitor development
- update our systems to ensure our records remain accurate and up to date with any information or new information you provide
- record details of your interaction with us
- provide relevant updates on planning applications to interested parties
- customer feedback survey to a sample of people using our service to see how we can improve it or to provide important service updates
- provide reports, statistics and returns to central government where required; these will be anonymised and will not identify any individual

Development Management - Planning and Planning related applications and Planning Enforcement.

Applicants and Agents:

We will publish on our website, via our [online register of planning applications](#), a copy of the completed application forms and supporting documents and drawings. This information will include your name and address and the address for the application site; and where an agent is acting for you the name, company name, contact details and address of your agent.

Any special category, commercially sensitive or sensitive data that is provided as part of an application such as medical information or financial information will not be published on our online register. It will however be held on the associated case file and be available for Council Officers with authorisation to view in association with dealing with your request. Should the information form a material consideration to the application, e.g., viability assessment including the financial data, business plan etc, it will be published on our online register.

We are obliged to maintain a public register of Planning Applications. Any information that is publicly available on our website could be used by individuals or organisations for their own purposes. The Council is not responsible for how those individuals or organisations use data that is in the public arena.

Interested parties - those making representations, comments, writing in support of or objection to a planning application:

We will publish responses to consultations and comments made in respect of a planning or planning related application online, via our [online register of planning applications](#), under the application to which the comments relate.

For any comments to be registered, published online and to allow us to send you further correspondence relating to a particular application you must include:

- your name
- your contact address or contact email address
- the reference number of the application
- your comments and/or objections. These should be limited to planning matters only.

Comments which are considered to be defamatory, frivolous, or offensive will not be published and you will be provided an opportunity to revise them. Please refer to [our website](#) for further information.

When we publish comments the content of the comment will be published along with the name and address of the party making the comments.

The following information will be removed (redacted) from any comments we receive from interested third parties and will not be published online or shared:

- telephone number
- email address
- signatures
- [special category](#) data as described in the UK GDPR (General Data Protection Regulation)

Once the application to which the comments relate has been determined, the comments will remain visible publicly via the online planning register.

In the event of an application proceeding to an appeal any comments made to the original application will be passed on to the Planning Inspectorate and appellant. Copies will be redacted.

Planning Enforcement Complaints

When a Planning Enforcement complaint is made to us, we will require the following information in addition to details of the alleged breach or complaint:

- your name
- contact details (address, email address (telephone numbers are helpful but not mandatory))

This information will be used to keep you updated on the progress of the investigation into the complaint made. We will not disclose any of these details with the person(s) to which the enforcement complaint relates nor will they be published on a public facing platform unless there is a lawful reason to do so.

Information Requests

We may be obliged to disclose information in or relating to the records we hold, which is not already publicly available, following a request for information under Freedom of Information, Environment Information Regulation and/or Subject Access Requests. In such cases, information which may identify a private individual will be redacted.

Who we may share your information with

We do not sell your information to other organisations or use your information for automated decision making. However, we will routinely share your data inside and outside of the Council as part of the services and regulatory functions provided by Planning Development. These may include but are not exclusively limited to:

- Elected Members (Councillors)
- Council employees
- other Council services, for example legal services, creditors, or housing services. We routinely share information to resolve issues and enquiries satisfactorily. This helps us to provide you with a consistently high quality and efficient customer service. We also share your information where necessary with the following: (not an exhaustive list):
 - NSDC Local Land Charges team
 - District Valuation Service (DVS)
 - Nottinghamshire Police
 - Nottinghamshire County Council
- planning application applicants or Planning Agents acting on behalf of a planning applicant.
- interested parties involved in a planning application, including statutory and technical consultees involved in the planning process (to ensure a comprehensive response is provided), supporters and objectors to planning applications (details of planning applications are published online and made available for individuals to comment on them).
- specialists who are providing a service to us in support of dealing with a planning, planning-related or building regulation application or appeal.
- contracted suppliers who provide us with ICT systems which support us in undertaking our legal and regulatory functions
- The Planning Inspectorate - in the event of an appeal, the Planning Inspectorate and appellant.
- East Midlands Building Consultancy (EMBC) to contact you regarding the possibility of whether building regulations are required.
- third parties, such as the Royal Mail for the purposes of street naming and numbering (refer to our [Street Naming and Numbering Guidance and Policy](#) for further information)
- We may also use information to create reports and statistics that are anonymous and cannot be linked back to you or individuals such as:
 - statistical analysis
 - statutory returns
 - audit framework

We may be required or permitted, under data protection legislation, to disclose your personal data without your explicit consent, for example if we have a legal obligation to do so, such as for:

- law enforcement
- fraud investigations
- regulation and licensing
- criminal prosecutions
- court proceedings

The law we use to process your personal information.

We need to process your data to ensure that the services we are providing meet our statutory and legal obligations, are fit for purpose, efficient and effective. Under the UK General Data Protection

Regulation (UK GDPR) and the Data Protection Act 2018, the lawful bases we rely on for processing this information are:

Enable the Council to undertake a **public task** or to provide the service that you are requesting. This work includes:

- making decisions and providing advice on planning applications (including pre-application advice, planning appeals and enforcement appeals)
- making planning policies
- working with neighbourhoods on their plans
- working with neighbouring authorities on strategic policies
- responding to allegations of unlawful development
- monitoring development
- entering legal agreements, serving notices, and promoting the best use of land
- maintaining the Local Land Charges register and provision of Con29 and Con29O service
- naming and numbering of new addresses as well as amendments to previously named and/or numbered property and land

The conditions that we use to process your personal information are:

- **public task:** the processing is necessary for us to perform a task in the public interest or for our official functions
- **legal obligation:** the processing is necessary for us to comply with the law (not including contractual obligations).

Our service also needs to use sensitive and special category personal data which requires more protection to keep it safe. This is often information you would not want to be widely known and is very personal to you. It includes but is not limited to:

- physical or mental health
- commercial information about your business
- financial information

We will only ask you for the information that is necessary to provide you with the service you are contacting us about, for example, circumstances where an individual might be exempt from paying an application fee.

Statutory legislation

The main legislation that provides us with the statutory basis to deliver our services is as follows:

- The Town and Country Planning Act 1990
- Environment Act 2021
- Planning (Listed Buildings and Conservation Areas) Act 1990
- The Planning and Compensation Act 1991

- Planning and Compulsory Purchase Act 2004
- Planning Act 2008
- Levelling-up and Regeneration Act 2023
- Climate Change Act 2008
- Equality Act 2010
- Flood and Water Management Act 2010
- Localism Act 2011
- Self-Build and Custom Housebuilding Act 2015
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- Town and Country Planning (Use Classes) Order 1987 as amended
- Town and Country Planning (General Permitted Development) (England) Order 2015
- Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) (as amended)
- Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018
- Planning (Listed Buildings and Conservation Areas) Regulations 1990
- Environmental Assessment of Plans and Programmes Regulations 2004
- Town and Country Planning (Control of Advertisements) Regulations 2007
- Town and Country Planning (Tree Preservation) (England) Regulations 2012
- Flood Risk Regulations 2009
- Community Infrastructure Levy (CIL) Regulations 2010 (as amended)
- Town and Country Planning (Local Planning) (England) Regulations 2012
- Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended)
- Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014
- Conservation of Habitats and Species Regulations 2017
- Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- Local Land Charges Act 1975
- Sections 17 (Naming of streets) and 18 (Alteration of name of streets) of the Public Health Act 1925 and Sections 64 (Buildings to be Numbered)
- Section 65 (Numbers to be renewed by occupiers) of the Town Improvement Clauses Act 1847

How we store and how long we keep information about you

Your information is securely stored. We will hold your personal information in line with the Council's retention schedule. At its expiry date the information will be reviewed, and only retained where there is an ongoing requirement to retain for a statutory or legal purpose. Following this your personal information will be securely destroyed. For details of retention periods please contact privacy@newark-sherwooddc.gov.uk

Your data protection rights

Under data protection law, you have rights including:

- **Your right of access** - You have the right to ask us for copies of your personal information.
- **Your right to rectification** - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

- **Your right to erasure** - You have the right to ask us to erase your personal information in certain circumstances. We may not be able to agree to erasure, if this occurs, we will explain why your request has not been actioned.
- **Your right to restriction of processing** - You have the right to ask us to restrict the processing of your personal information in certain circumstances. For example, if you think we are processing your data unlawfully, you can request that any processing is suspended whilst this is investigated.
- **Your right to object to processing** - You have the the right to object to the processing of your personal information in certain circumstances.
- **Your right to data portability** - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us at privacy@newark-sherwooddc.gov.uk if you wish to make a request.

How to complain

If you have any concerns about our use of your personal information, you can make a complaint to us at privacy@newark-sherwooddc.gov.uk

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>